



**Town of Hamilton Planning Board  
PO Box 429, 577 Bay Road  
Hamilton, MA 01936  
978-468-5584**

## **AGENDA**

**April 2, 2013**

**Welcome** – Chairman Peter Clark opened the meeting at 7:30 PM. Planning Board members Rick Mitchell, Claudia Woods, Brian Stein, Ed Howard, Rob McKean and Joe Orlando were present. Planning Coordinator Kristine Cheetham was also present.

### **Release of Covenant and Form A – 641 Bay Road**

Attorney Kroesser presented three applications to the Planning Board; a Form A for the creation of six lots at 641 Bay Road, Form K a partial release of a Covenant for road improvements and Form J a time extension for the completion of the road improvements.

The members of the Board asked at a previous meeting for the applicant to re-submit the Form A for the creation of six lots on the way, Aquila Farm Road, in existence before the Subdivision Control Law. The Board agreed in previous meetings that this way, roughly 10-12' paved, was adequate for up to six house lots.

In addition, Attorney Kroesser requested that the Board substitute Lot 6 for Lots 2& 3 in the Covenant on Book 14509 and Page 327 associated with road improvements for this property. The Board agreed to the substitution and also to the Form J application for a time extension of six months; Nov. 29, 2013.

R. Mitchell made a motion to accept all three Forms as presented.

J. Orlando seconded.

Vote: All voted in favor.

### **Approval Not Required : 49 & 75 Miles River Road**

Applicant proposes to create Lot 2, with a combination of 4.4 acres from 49 Miles River Road and 75 Miles River Road (Assessors Map 63 Lot 2 and Assessors Map 64 Lot 33). Applicant proposes to gain access and frontage from the Private Way, known as Deven's Lane in 1891, in existence prior to the subdivision control law. The lot is located in a R-1B zone and the GPOD. The acreage meets the zoning requirement.

Attorney Miranda Gooding represented the owners and revisited the history of the site and the application. The current owner's of 75 Miles River Road were also present and stated their intent to build a home in the rear portion of the new lot for a family member.

P. Clark confirmed that 75 Miles River Road could have frontage and access on Miles River Road and there would still be four lots using the private way.

Neighbors from Rhienhalter Road and 29 Miles River asked if the driveway would need to be widened. The applicant stated that no changes were proposed to existing private way. The applicant also noted that they do not own any portion of the private way; they have deeded rights to access the way.

The neighbors expressed concern about the new driveway at 75 Miles River Road. There were also questions raised regarding the stone wall that runs along the front of 75 Miles River Road.

P. Clark reminded the Board that they needed to resolve whether or not the Private Way was a way in existence before the subdivision control law and whether or not it was adequate in its physical nature to provide access to the buildable portion of the lot.

R. Mitchell noted that the previous Planning Boards found this way to be adequate and useful for frontage. He accepted that it was a way before the subdivision control law and also accepted the applicant's position that the 1891 plan shows it to be roughly 300' in length. R. Mitchell did not find any reasons why the private was "inadequate". J. Orlando agreed that the map demonstrated a length suitable for the 175' of frontage.

C. Woods stated that the project seemed like a subdivision and questioned why the applicant wouldn't file for a subdivision. R. McKean asked what would be gained through the process of subdivision? Was the filing an over-reaching of government? Were there any public safety concerns that warranted this process?

The attorney responded that the applicant did not wish to create a pork chop lot or to file a subdivision. She expressed the time, cost, and need for waivers as a reason.

C. Woods noted that the town counsel expressed concerns about the nature of this project. She wanted the Board to acknowledge the advice.

P. Clark also asked about the number of lots using the private way. He also noted that for most ANR approvals, the way in question should be clearly suitable. He had concerns and wanted advice from police and fire.

The attorney noted that if the ANR was approved, the way would be sufficient without any comment from police or fire. A "way in existence" before zoning did not have to be upgraded to today's standards.

E. Howard shared his thoughts with the Board. He noted that some decisions are subjective in nature and this was one of those decisions. The determination of adequacy of the private way was subjective. Clearly two members of the Board were concerned about the adequacy. He felt that the decision would leave the situation the same as it is today; four lots using the private way and one lot, 75 Mile River Road, using a new access. Therefore, he agreed to support the request for the approval.

Action:

E. Howard made a motion to approve the ANR as presented

J. Orlando seconded.

R. McKean voiced concerns about the safety at the site but agreed to support the project.

Vote: E. Howard, J. Orlando, R. Mitchell, R. McKean in favor

C. Woods and P. Clark opposed.

B. Stein abstained from vote.

**New/Old Business**

- Revised Housing Production Plan – The Board chose to co-host a public discussion of the document at the April 30, 2013 meeting with the members of the Hamilton Affordable Housing Trust. [NOTE: Date change due to elections – May 7, 2013]
- Water Pollution in Rivers – Ed. Howard would like to host a discussion of this topic at the next meeting, April 16, 2013. The Planning Coordinator will invite members of other land use boards to attend.
- Committee Reports – Pirie Property  
Selectman Marc Johnson provided the Planning Board with an update about the town's right of first refusal to the Pirie property at 641 Bay Road. He first noted that the sub-committee adopted a few objectives for the process:
  1. Seek out a diversity of housing types,
  2. Seek out additional(greater than the proposed six house lots) revenue,
  3. Preserve as much open space as possible,

Secondary Objectives

1. Secure additional land for cemetery expansion, and
2. Research options to develop recreation fields.

Mark stated that the committee will only recommend a purchase of the property if the objectives can be met. He then explained that the committee met with several developers who have drafted a variety of scenarios that include cottage style developments, senior housing, assisted living facilities, affordable housing units and other multi-family style developments. The developers are trying to work within the zoning bylaws of the Open Space and Farmland Preservation and Senior Housing to secure additional density.

Mark had a few questions for the Planning Board. He asked if the Board would consider adopting a cottage zoning bylaw or perhaps creating an overlay for the property. K. Cheetham asked if the OSFPD could be modified to address the needs for cottage developments without drafting an entire bylaw. She also asked if the developers had any difficulty with the current density requirements. Marc noted that the developers seemed to accept the current bylaws for density.

Mark's second question was regarding the access road. It is currently a 10-12' tree line paved road. It is technically too narrow for a development of 50+ housing units. He was seeking creative solutions that would allow for on-site turnarounds while keeping the main access intact. He also proposed utilizing the cemetery as an emergency exit. The adequacy and standards of roads for the purposes of public safety are always a concern of the Planning Board. No decisions were made at this time. Marc noted that a traffic study was underway for the site.

Finally, Marc noted that the Board would be asked to review the zoning bylaw for any fatal flaws prior to the final recommendation to the town.

- C. Woods asked the Board to revisit their code of conduct during meetings. She expressed concern that members of the Board were not respecting each others' opinions and often talked over one another. She called attention to the deliberations earlier when the Planning Coordinator had to ask for a halt in the discussion because she had difficulty taking minutes. K. Cheetham requested that all conversations go through the Chair and to only have one speaker at a time. The Board agreed to try to be more respectful of one another.

## **Adjourn**

At 10 PM R. McKean made a motion to adjourn. J. Orlando seconded. All voted in favor.